

MT LEGISLATIVE HISTORY

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Chapter 505 19 89

Bill (H) 490 S \_\_\_\_\_

Original bill & hist. C

H. Committee on State Administration

S. Committee on Local Government

Hearing Date(s) Feb 08 ☒ C

Hearing Date(s) Mar 14 ☒ C

Feb 10 ☒ C

Mar 21 ☒ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

Date Out Feb 10 ☒ C

Mar 21 ☒ C

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Did this bill originate in an interim committee? Yes No

Committee \_\_\_\_\_

Report \_\_\_\_\_

Closing by Sponsor: Rep. Marks said he would like the Committee to read the last three pages of the report he had handed out beginning on page 12 and the recommendation of the Audit Committee.

DISPOSITION OF HB 325

Motion: Rep. Campbell moved HB 325 DO PASS.

Amendments, Discussion, and Votes: Rep. Campbell moved the Department of Justice's amendment. Lois Menzies explained that the amendment provides that offices of the law enforcement division and motor vehicle division of the Department of Justice are exempt from consolidation. The motion CARRIED unanimously.

Recommendation and Vote: Rep. Campbell moved HB 325 DO PASS AS AMENDED. The motion CARRIED unanimously.

HEARING ON HB 440

Presentation and Opening Statement by Sponsor: Rep. Dave Brown, House District 72, Butte-Silver Bow, introduced the bill. This bill provides a longevity payment for sheriffs equal to one percent of their base salary for each year of service with the sheriff's department. For the purpose of calculating the salary for undersheriffs and deputy sheriffs, this longevity payment and the annual \$2,000 payment provided in section 7-4-2503(1) may not be included in the base salary.

Rep. Brown said that the reason for the legislation is that the undersheriffs and deputies have been receiving a longevity payment for many years, and now these subordinates have a higher salary than the sheriff.

Testifying Proponents and Who They Represent:

Chuck O'Reilly, Sheriff, Montana Sheriffs and Peace Officers Association

Tim Solomon, Montana Sheriffs and Peace Officers Association

Proponent Testimony:

CHUCK O'REILLY, sheriff of Lewis and Clark County, said that in his particular department 31 percent of the officers receive more than he does. He said that this is true pretty much statewide. Mr. O'Reilly pointed out that sheriffs do not get sick leave time either. He believes that they should receive more than an undersheriff.

TIM SULLIVAN, a member of the Sheriffs and Peace Officers, spoke in favor of the bill.

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. ROTH asked if the \$2,000 payment was received in a lump sum and whether it is part of the salary. Mr. O'Reilly said it is one percent of the base salary for each year of service and it is combined with the salary. Mr. O'Reilly explained the complicated salary calculations based on the population of the county.

REP. SQUIRES asked how many contracts are negotiated by the sheriffs. Mr. O'Reilly said he does not have the exact figures. Some departments are unionized and some have employee associations within house; some do not have anything.

REP. SQUIRES asked if the county commissions will be upset by the bill. Rep. Dave Brown said the bill would affect about 54 people and would depend on how long the individual has been in the force. The cost probably will be a couple of thousand dollars. He said that the counties should be willing to put their officers back on the top of the heap.

REP. CAMPBELL asked what the average term of service is in the state. Mr. O'Reilly responded saying 12 to 15 years.

Closing by Sponsor: Rep. Dave Brown said he hoped the Committee would give this the bill a favorable review. The fiscal note at the county level it would cost a couple of thousand dollars.

#### DISPOSITION OF HB 440

Motion: Rep. O'Connell moved HB 440 DO PASS.

Amendments, Discussion, and Votes:

REP. DEBRUYCKER proposed an amendment to limit the longevity payment to the number of years served as sheriff. He said that he thinks that there will be trouble with the deputy that has been there for 40 years and all at once moves up to sheriff. If he has this one percent, that is going to raise the salary awfully high. He said he is not opposed to the bill for the term that he has served as sheriff, but Rep. Debruycker said he didn't think the Committee should go back and pick up the deputy's time.

REP. ROTH said that the deputy is already given a one percent longevity payment, so it isn't going to cost the county any more. They are not going to double up on the payment.

REP. WESTLAKE asked for clarification. He said if this bill was strictly for the sheriffs and was not dealing with

deputies or undersheriffs regardless of whether they become sheriff or not. Lois Menzies said that we are talking about the salary for the sheriff. The way the bill is written, longevity payment can be made without having an impact on what undersheriffs or deputy sheriffs are paid.

It was decided to get clarification on the proposed amendment and to let the Committee call their constituents at home before taking final action.

#### HEARING ON HB 487

##### Presentation and Opening Statement by Sponsor: Rep. Mary

McDonough, House District 89, introduced the bill. This is an agency bill requested by the Secretary of State. The bill provides that records filed with the Secretary of State may be stored and reproduced according to rules adopted by the Secretary of State. The bill's statement of intent states that because the technology for archiving documents is developing quickly, the Secretary of State must have the flexibility for establishing the method for archiving. New technologies for archiving documents include storage on electronic disc.

Rep. McDonough said that bill is a simple one with rule making authority. The statement of intent sets forth the integrity of the documents; it does not do away with the originals.

##### Testifying Proponents and Who They Represent:

Garth Jacobson, Secretary of State's Office

##### Proponent Testimony:

GARTH JACOBSON presented written testimony (Exhibit 2) and an amendment (Exhibit 9).

##### Testifying Opponents and Who They Represent: None

##### Questions From Committee Members:

REP. ROTH asked Garth Jacobson if the Secretary of State's Office could implement this bill now without having to purchase additional equipment. Mr. Jacobson said that the Secretary of State's Office would not have the equipment that would do this. Specifically what is envisioned is the use of an optical disk. He said the office needs to establish the storage and reproduction standards first before we can think about what item we would purchase. We do have the use of microfilming equipment, which is quickly becoming an obsolete method of archiving. The office will be asking for the authority to purchase equipment at a later

## DAILY ROLL CALL

## STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date February 8, 1989

| NAME                           | PRESENT | ABSENT | EXCUSED |
|--------------------------------|---------|--------|---------|
| Rep. Jan Brown, Chairman       | ✓       |        |         |
| Rep. Helen O'Connell, Vice Ch. | ✓       |        |         |
| Rep. Vicki Cocchiarella        | ✓       |        |         |
| Rep. Ervin Davis               | ✓       |        |         |
| Rep. Floyd "Bob" Gervais       | ✓       |        |         |
| Rep. Janet Moore               | ✓       |        |         |
| Rep. Angela Russell            | ✓       |        |         |
| Rep. Carolyn Squires           | ✓       |        |         |
| Rep. Vernon Westlake           | ✓       |        |         |
| Rep. Timothy Whalen            | ✓       |        |         |
| Rep. Bud Campbell              | ✓       |        |         |
| Rep. Duane Compton             | ✓       |        |         |
| Rep. Roger DeBruycker          | ✓       |        |         |
| Rep. Harriet Wayne             | ✓       |        |         |
| Rep. Richard Nelson            | ✓       |        |         |
| Rep. John Phillips             | ✓       |        |         |
| Rep. Rande Roth                | ✓       |        |         |
| Rep. Wilbur Spring, Jr.        | ✓       |        |         |
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VISITORS' REGISTER  
STATE ADMINISTRATION COMMITTEE

BILL NO. HB 440

DATE February 8, 1989

SPONSOR REP. D. BROWN

| NAME (please print)   | REPRESENTING                     | SUPPORT  | OPPOSE |
|-----------------------|----------------------------------|----------|--------|
| <i>Chuck O'Reilly</i> | <i>Mt Shuford Peace Officers</i> | <i>X</i> |        |
| <i>Jim Bottoms</i>    | <i>" " "</i>                     | <i>X</i> |        |
| <i>Dave Brown</i>     | <i>Sponsor - State Rep #72</i>   | <i>X</i> |        |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Chairman Brown asked Rep. Cocchiarella if she would have time in the next couple of days to talk to the sponsor of this bill, and see if there is a way to make the bill more positive. Rep. Cocchiarella agreed to talk to Rep. Rice.

## DISPOSITION OF HJR 7

Hearing Date: February 3, 1989

Motion: Rep. Campbell moved HJR 7 DO PASS. Rep. Cocchiarella made a substitute DO NOT PASS motion.

Discussion: Rep. Cocchiarella said that she has a petition containing 1,039 student signatures in support of MontPIRG collected in one day, yesterday. She said that it seems to her that this is an issue that the students of the University of Montana should have control over. We, as a Legislature, have no right interfering in their local process. If they choose to tax themselves or access themselves a fee of \$2 and decide to do this as a group, it is up to them. If there are students who wish not to pay the \$2, they have the right to mark that off.

REP. DEBRUYCKER said he opposes killing this resolution. He said he is really disappointed it wasn't a bill. He said he doesn't know anything about MontPIRG, but he does know about the Wheat Commission. The Wheat Commission also uses a negative checkoff system to generate revenue. It is very difficult and time-consuming to receive a refund from the Commission. He opposes the use of negative checkoffs for any organization.

REP. O'CONNELL said she had talked to some students about this and they said that this resolution did not belong before the Legislature.

Amendments, Discussion, and Votes: None

Recommendation and Vote: REP. SQUIRES made a substitute motion TO TABLE HJR 7. A roll call vote was taken. The motion CARRIED 10 - 7 (see roll call vote).

## DISPOSITION OF HB 440

Motion: Rep. Campbell moved HB 440 DO PASS.

Amendments, Discussion, and Votes: Lois Menzies distributed supplemental information on the bill (Exhibit 14) and said that Sheriff O'Reilly was here to answer any questions.

Recommendation and Vote: The motion CARRIED 11 - 2 with Reps. Squires and Westlake voting no.

DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date February 10, 1989

| NAME                           | PRESENT | ABSENT | EXCUSED |
|--------------------------------|---------|--------|---------|
| Rep. Jan Brown, Chairman       | ✓       |        |         |
| Rep. Helen O'Connell, Vice Ch. | ✓       |        |         |
| Rep. Vicki Cocchiarella        | ✓       |        |         |
| Rep. Ervin Davis               | ✓       |        |         |
| Rep. Floyd "Bob" Gervais       | ✓       |        |         |
| Rep. Janet Moore               | ✓       |        |         |
| Rep. Angela Russell            | ✓       |        |         |
| Rep. Carolyn Squires           | ✓       |        |         |
| Rep. Vernon Westlake           | ✓       |        |         |
| Rep. Timothy Whalen            | ✓       |        |         |
| Rep. Bud Campbell              | ✓       |        |         |
| Rep. Duane Compton             |         |        | ✓       |
| Rep. Roger DeBruycker          | ✓       |        |         |
| Rep. Harriet Hayne             | ✓       |        |         |
| Rep. Richard Nelson            |         |        | ✓       |
| Rep. John Phillips             | ✓       |        |         |
| Rep. Rande Roth                | ✓       |        |         |
| Rep. Wilbur Spring, Jr.        | ✓       |        |         |
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STANDING COMMITTEE REPORT

February 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report  
that HOUSE BILL 440 (first reading copy -- white) do pass .

Signed: \_\_\_\_\_  
Jan Brown, Chairman

# ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date March 14, 1989

| NAME                         | PRESENT | ABSENT | EXCUSED |
|------------------------------|---------|--------|---------|
| Sen. Ethel Harding           | X       |        |         |
| Sen. R.J. "Dick" Pinsoneault | X       |        |         |
| Sen. Tom Beck                | X       |        |         |
| Sen. Eleanor Vaughn          | X       |        |         |
| Sen. H.W. "Swede" Hammond    | X       |        |         |
| Sen. Mike Walker             | X       |        |         |
| Sen. Gene Thayer             | X       |        |         |
| Sen. Paul Boylan             | X       |        |         |
| Sen. Bruce D. Crippen        | X       |        |         |
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Each day attach to minutes.

SUPPLEMENTAL INFORMATION  
House Bill No. 440  
(Longevity payment for sheriffs)

CALCULATION OF SHERIFFS' SALARY

1. A sheriff's BASE SALARY is dependent on two factors:
  - (a) the class of the county, which is based on the county's taxable population (7-1-2111); and
  - (b) the population of the county.
2. In counties of the FIRST THROUGH FIFTH CLASSES, a sheriff's annual base salary is equal to:  
\$14,000 plus \$10 for each 100 persons in the county.
3. In counties of the SIXTH AND SEVENTH CLASSES, a sheriff's annual base salary is equal to:  
\$12,000 plus \$20 for each 100 persons in the county.
4. These base salaries are adjusted each year by a cost-of-living increase (7-4-2504), unless the county commissioners decide to freeze salaries.
5. In addition to the base salary as adjusted by cost-of-living increases, a SHERIFF receives \$2,000 each year.
6. Therefore, a sheriff's salary is equal to the appropriate BASE SALARY, adjusted by cost-of-living increases, plus a \$2,000 payment.
7. A sheriff is ineligible to receive overtime pay.

CALCULATION OF UNDERSHERIFFS' SALARY

8. An undersheriff's salary is dependent on the BASE SALARY OF A SHERIFF (see item #1 above), as adjusted by cost-of-living increases.
9. An undersheriff's salary is equal to 95% OF THE BASE SALARY OF THE SHERIFF, as adjusted by cost-of-living increases.
10. An undersheriff is ineligible to receive overtime pay.

CALCULATION OF DEPUTY SHERIFFS' SALARY

11. A deputy sheriff's salary is also dependent on the BASE SALARY OF THE SHERIFF (see item #1 above), as adjusted by cost-of-living increases.
12. A deputy sheriff's salary ranges from 72% TO 90% OF THE SHERIFF'S BASE SALARY, as adjusted by cost-of-living increases (unless the county commissioners freeze salaries).

13. The percentage amount received by a deputy sheriff is based on the POPULATION OF THE COUNTY according to the following schedule:

In counties with population of:

|                  |            |
|------------------|------------|
| Below 15,000     | 85% to 90% |
| 15,000 to 29,999 | 76% to 90% |
| 30,000 to 74,999 | 74% to 90% |
| 75,000 and over  | 72% to 90% |

14. In addition to the base salary available under item #13, a deputy sheriff receives a longevity payment equal to 1% OF THE BASE SALARY AVAILABLE UNDER ITEM #13.

15. A deputy sheriff is also eligible to receive overtime payments.

AN EXAMPLE COMPARING SALARIES OF A  
SHERIFF AND A DEPUTY SHERIFF  
(In a first class county with a population of 20,000)

|                       | <u>Sheriff</u><br>(Both with 10 years of service)              | <u>Deputy Sheriff</u>              |
|-----------------------|----------------------------------------------------------------|------------------------------------|
| Base Salary           | \$14,000 (No COLA)<br>2,000 (\$10/100 pop.)<br><u>\$16,000</u> | \$14,400 (@ 90% of<br>base salary) |
| Additional<br>payment | 2,000<br><u>\$18,000</u>                                       | None<br><u>\$14,400</u>            |
| Longevity<br>payment  | None<br><u>\$18,000</u>                                        | 1,440<br><u>\$15,840</u>           |
| Overtime<br>payment   | <u>-0-</u>                                                     | <u>?</u>                           |
| Total :               | \$18,000                                                       | \$15,840 + overtime                |

EXHIBIT 14  
DATE 2-10-89  
RE 440  
2062

COMMENTS ON THE BILL

- > According to testimony, the intent of the bill is to give sheriffs the same longevity payment that deputy sheriffs currently receive.
- > Under this bill, a sheriff would receive a longevity payment equal to 1% of his base salary of each year of service with the sheriff's department.
- > A longevity payment made to a sheriff MAY NOT BE INCLUDED in the base salary for purposes of calculating an undersheriff's or a deputy sheriff's salary.
- > If this bill were in effect for the example presented on page 2, the sheriff would receive a longevity payment equal to \$1,600 (1% of \$16,000 x 10 years of service) for a total salary of \$19,600.
- > If a sheriff and a deputy sheriff had the same number of years of service with the department, and the sheriff retired and the deputy replaced him, the deputy would receive the same salary as the sheriff.

in the voting precinct. However, they still have to publish it in the newspaper.

List of Testifying Proponents and What Group they Represent:

Marilyn Cregg, Missoula Council

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Marilyn Cregg stated that this bill would change the requirement for posting notice for bonding in the voting precinct. See exhibit 1 for her complete testimony.

Questions From Committee Members: None

Closing by Sponsor: Representative Hansen closed the hearing on HB 84.

DISPOSITION OF HOUSE BILL 84

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Vaughn MOVED that we DO CONCUR in HB 84. The VOTE was UNANIMOUS in FAVOR of passing HB 84. Senator Vaughn will carry HB 84 to the Senate floor.

HEARING ON HOUSE BILL 440

Presentation and Opening Statement by Sponsor:

Representative Dave Brown of house district 72, Butte - Silver Bow, in strong support of HB 440. This bill proposes 1% longevity payment to county sheriffs for each year of service. The bill clearly excludes this increase in sheriff's salaries in the computation of salaries of deputy sheriffs and under sheriffs. Those salaries are set by statute based on a percentage of the sheriff's salary and that would be limited to the sheriff's base salary as set by statute. It appears it would cost each of the 56 counties around \$2,000 for sheriff's longevity pay.

List of Testifying Proponents and What Group they Represent:

Chuck O'Reilly, Mt. Sheriffs & Peace Officers  
Barry Michelotti, Mt. Sheriffs & Peace Officers  
Tony Harbough, MSPOA  
Linda Stoll-Anderson, MACO  
Rick Laten, MSPOA  
Tim Solomon, Hill County Sheriff  
Tom Harrison, MT Sheriffs & Peace Officers

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Chuck O'Reilly, Lewis & Clark Co. Sheriff plus MSPOA, stated that in his county 31% of the officers in his department receive more pay than he does. In one county the sheriff was the lowest paid person in his department. He explained the pay schedule to the committee.

Barry Michelotti, Cascade Co. Sheriff, and MSPOA, asked for support of this bill. They do a variety of work, direct criminal investigations and are responsible for efficient operation of their department. Many supervise deputies that receive higher pay than they, because the deputies have been there a long time.

Tony Harbough, Custer County Sheriff, Miles City, and MSPOA, and he is the lowest paid officer in his department. He thought many sheriffs had looked at longevity pay as a campaign issue to be used against them, and that is how the deputies got higher pay than the elected sheriff. The person campaigning against the incumbent could say, you will save the county money by voting for a new sheriff. Longevity is look upon as professionalism and expertise of an officer. If there is a good deputy sheriff and he makes more money as deputy, why should he run for sheriff? Please support this bill.

Rick Later, Beaverhead County Sheriff and MSPOA, reiterated all that has been said and asked for support of this bill.

Tim Solomon, Sheriff Hill County and MSPOA, asked the committee to support this bill.

Tom Harrison representing the MSPOA explained that in the drafting of the bill that there is a reference to a

\$2,000 payment connected with the way sheriff's salaries are computed. The \$2,000 would not be a part of the base salary from which the deputy and under sheriff's salaries are figured. If he did not present this amendment, it would inflict a decrease of 1% per year to the deputies and undersheriffs. And they do not want to do that. He points out a fact that deputies and undersheriffs can go from 72 to 95% of the sheriffs salary, and with the longevity pay a deputy can make 110% of the sheriff's salary. Whose the logical person to be a candidate for sheriff when the opportunity arises? Sheriff's are not paid overtime. There ought to be a logical progression of pay for grades of service.

Linda Stoll Anderson, Lewis & Clark County Commissioner and MACO, suggests some amendments from page 5, line 1 through 4 be inserted on page 2. She gave her amendments to Connie Erickson for her expertise.

Questions From Committee Members: Senator Crippen asked Tom Harrison if he approved the amendment that Mrs. Stoll-Anderson suggested. He said he did approve.

Senator Beck asked about service accumulated prior to July 1, 1985, what does that mean? Linda Stoll Anderson stated that in section 7-4-2521 talks about longevity for the sheriff's department in that language and that is when the freeze went into effect.

Senator Hammond asked Chuck O'Reilly how much overtime pay does he receive? Sheriff O'Reilly answered none, sheriffs can't be paid overtime.

Closing by Sponsor: Representative Brown stated that this would bring sheriffs up to par.

#### DISPOSITION OF HOUSE BILL 440

Discussion: Connie Erickson stated there are 2 amendments presented by the interested parties. The first was offered by the Montana Peace Officers Association and it has to do with the longevity payment. Sheriffs receive a base pay plus \$2,000. Gordon Morris stated the original language included the longevity calculation into the base, which would be a mistake. Longevity is separate from base. The intention was to take any reference to longevity out so far as it was attached to deputy's salaries. The base pay for deputies is not based on the longevity of the sheriff



SENATE COMMITTEE ON LOCAL GOVERNMENT

March 14, 1989

Page 8 of 15

as well as his \$2,000. Senator Beck said simply stated, the deputies salary will be based on the sheriff's base pay plus \$2,000. Connie Erickson said that is correct. Linda Stoll-Anderson asked that language on page 5 be inserted on page 2 on line 20. Gordon Morris stated that in case of a salary freeze you freeze salary and forego longevity. Also you have lost the 1% increment during a freeze also. Another thought is that this bill should be coordinated with SB 370 by way of the fact that this bill was passed to reinstate COLA and longevity for the county attorneys and the deputy sheriffs so this bill should coordinate with that bill.

Senator Harding stated that by taking the language on page 5 line 1, but years of service through line 4, put that on page 2, line 20.

Senator Vaughn asked about the \$2,000. Gordon Morris stated if you refer to Title 7 the sheriff's salary is used to determine the undersheriff's and deputy's salaries. Connie Erickson will prepare the amendments that will clarify and coordinate the sheriff's salary with other elected officials, such as the county attorney.

Amendments and Votes: Senator Beck MOVED that we AMEND HB 440 as discussed. The VOTE was UNANIMOUS in FAVOR of these amendments.

Senator Beck MOVED that we add a COORDINATION CLAUSE with HB 370. The VOTE was UNANIMOUS in FAVOR of this MOTION.

Recommendation and Vote: Senator Thayer MOVED that we DO CONCUR AS AMENDED in HB 440. The VOTE was UNANIMOUS in FAVOR of HB440 AS AMENDED. Senator Walker will carry HB 440 to the Senate floor.

HEARING ON HOUSE BILL 630

Presentation and Opening Statement by Sponsor:

Representative Francis Koehnke, house district 32, Townsend, stated HB 630 revises the law of who should pay the refuse disposal district fee for mobile home parks. Park owners are charged a certain percent of the spaces they own. They can be paying for empty spaces. Then the House amended the bill to be the occupied spaces as of January 1. They said that really wasn't fair either and ask that this Senate Committee straighten this matter out.

Amendments to House Bill No. 440  
Third Reading Copy

For the Senate Committee on Local Government

Prepared by Connie Erickson  
March 14, 1989

1. Title, line 8.

Following: "UNDERSHERIFFS;"

Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART  
OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF  
COUNTY WAGE FREEZES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2503"

Insert: "AND 7-4-2504"

2. Page 2, line 18.

Following: "year"

Insert: "."

Strike: "plus"

Insert: "(c) The county sheriff shall receive"

3. Page 2, line 20.

Following: "department"

Insert: ", but years of service during any year in which the  
salary was set at the level of the salary of the prior  
fiscal year may not be included in any calculation of  
longevity increases"

4. Page 5.

Following: line 16

Insert: "Section 2. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The county governing body may, however,

for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

~~(2)~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

~~(3)~~(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year.""

Renumber: subsequent section

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date *March 21*

| NAME                         | PRESENT | ABSENT | EXCUSED |
|------------------------------|---------|--------|---------|
| Sen. Ethel Harding           | X       |        |         |
| Sen. R.J. "Dick" Pinsoneault | X       |        |         |
| Sen. Tom Beck                | X       |        |         |
| Sen. Eleanor Vaughn          | X       |        |         |
| Sen. H.W. "Swede" Hammond    | X       |        |         |
| Sen. Mike Walker             | X       |        |         |
| Sen. Gene Thayer             | X       |        |         |
| Sen. Paul Boylan             | X       |        |         |
| Sen. Bruce Crippen           | X       |        |         |
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Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

page 1 of 2  
March 16, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 440 (third reading copy -- blue), respectfully report that HB 440 be amended and as so amended be concurred in:

Sponsor: Brown, D. (Walker)

1. Title, line 5.

Following: "EXCLUDING"

Insert: "THAT"

2. Title, line 6.

Strike: "AMOUNTS"

Insert: "AMOUNT"

3. Title, line 8.

Following: "UNDERSHERIFFS;"

Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART  
OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF  
COUNTY WAGE FREEZES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2503"

Insert: "AND 7-4-2504"

4. Page 2, line 18.

Following: "year"

Insert: "."

Strike: "plus"

Insert: "(c) The county sheriff shall receive"

5. Page 2, line 20.

Following: "department"

Insert: ", but years of service during any year in which the salary  
was set at the level of the salary of the prior fiscal year  
may not be included in any calculation of longevity increases"

6. Page 2, line 20.

Strike: "amounts"

Insert: "amount"

7. Page 5, line 16

Following: "certify.""

Insert: "Section 2. Section 7-4-2504, HCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district

court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

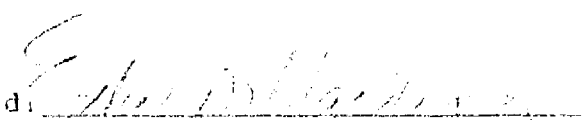
(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

~~4-4~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

~~4-4~~(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year."

Renumber: subsequent section

AND AS AMENDED BE CONCORDED IN

Signed:   
Ethel M. Harding, Chairman

## SENATE STANDING COMMITTEE REPORT

BILL NO. HB 440

page 1 of 2

March 16, 1989

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Sponsor: Brown, D. (Walker)

1. Title, line 5.

Following: "EXCLUDING"

Insert: "THAT"

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Strike: "AMOUNTS"

Insert: "AMOUNT"

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Following: "UNDERSHERIFFS;"

Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2503"

Insert: "AND 7-4-2504"

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Insert: "(c) The county sheriff shall receive"

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Following: "department"

Insert: ", but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases"

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Strike: "amounts"

Insert: "amount"

7. Page 5, line 16

Following: "certify.""

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"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district

court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

~~(2)~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

~~(3)~~(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year."

Renumber: subsequent section

AND AS AMENDED BE CONCURRED IN

Signed, \_\_\_\_\_  
Ethel M. Harding, Chairman